

**REMARKS**

Reconsideration is requested.

Claims 1-74, 76-78 and 80 have been canceled, without prejudice. Claims 76 and 78 have been rewritten as new claims 86 and 87 to advance prosecution. No new matter has been added. The recitation of "at least 5 contiguous amino acids" recited in the claims may be found, for example, on page 25, line 23 of the specification. The recited sequences are disclosed, for example, in Table 5 on page 52 of the specification. The designated amino acids may be found, for example, in original claim 4, as well as throughout the specification. No new matter has been added.

The Section 112, second paragraph, rejection of claims 75-85 is submitted to be obviated by the above amendments. Specifically, claim 75 has been amended to delete the objected-to phrase "characterized by". Moreover, claim 76 has been canceled and rewritten in a form which is believed to be definite. Specifically, the claim requires that the encoded amino acid be from nucleotides of the recited HCV type or subtype. The applicants submit that claim 86 is definite. Claim 77 has been canceled as the applicants believe that details of the same have been included in new claim 86. Claim 78 has been canceled and rewritten as new claim 87 as an independent claim which the applicants believe is definite. Claim 79 has been rewritten as an independent claim and claim 80 has been canceled, without prejudice, to advance prosecution. Withdrawal of the Section 112, second paragraph, rejection of claims 75-85 is requested.

The Section 112, first paragraph, rejection of claims 76, 78, 80 and 81-85 is believed to be obviated by the above amendments. As noted above, claims 76 and 78 have been rewritten as new claims 86 and 87, respectively, which are believed to be

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supported by an adequate rewritten description. Claim 80 has been canceled, without prejudice, to advance prosecution. The claims are submitted to be supported by an adequate written description and withdrawal of the Section 112, first paragraph, rejection is requested.

The Section 102 rejection of claims 76, 77, 78, 80 and 81-85 over Houghton (U.S. Patent No. 5,350,671), is traversed. The claims are submitted to be patentable over the cited art which is understood by the applicants to only describe a HCV-1, subtype 1a sequence, as opposed to the presently claimed newly identified HCV types and subtypes of the presently claimed invention. Reconsideration and withdrawal of the Section 102 rejection of the indicated claims over Houghton are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B. J. Sadoff  
Reg. No. 36,663

BJS:pp  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100